

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SUSAN CHEN, et al.,

Plaintiffs,

v.

NATALIE D'AMICO, et al.,

Defendants.

CASE NO. C16-1877JLR

ORDER

Before the court is the mandate of the Ninth Circuit Court of Appeals (Mandate (Dkt. # 299)) vacating and remanding this court's orders granting summary judgment for Defendants Washington State Department of Health and Social Services and Kimberly R. Danner (collectively, "State Defendants") as to Plaintiffs Susan Chen's and J.L.'s (collectively "Plaintiffs"<sup>1</sup>) claims for (1) negligent infliction of emotional distress during

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<sup>1</sup> Plaintiff Naixing Lian did not appeal his claims. (9th Cir. Mem. (Dkt. # 297) at 5 n.2.) The Ninth Circuit affirmed dismissal as to Plaintiff L.L.'s claims for failure to show sufficient evidence of causation. (*Id.*)

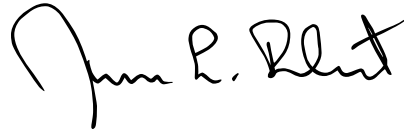
1 the period following the shelter care hearing (*see* 12/20/2019 Order (Dkt. # 242)), and  
2 (2) negligent investigation during the same period (*see* 1/22/2020 Order (Dkt. # 275)  
3 (granting summary judgment on motion for partial reconsideration)). (*See* 9th Cir.  
4 Mem.) The Ninth Circuit affirmed the court's orders in all other respects. (*Id.* at 5.)

5 On November 9, 2022, the court ordered the parties to meet and confer and file a  
6 joint status report with a proposed course of action in light of the Ninth Circuit's opinion.  
7 (*See* 11/9/22 Order (Dkt. #300).) The Clerk did not, however, mail that order to  
8 Plaintiffs. (*See id.*) State Defendants made several unsuccessful attempts to contact  
9 Plaintiffs to confer before filing their own status report. (*See* Status Report (Dkt. # 302).)  
10 The court finds it necessary to issue a second order to give Plaintiffs an opportunity to  
11 provide input.

12 Accordingly, the court ORDERS the parties to meet and confer and file a joint  
13 status report that includes: (1) a proposal for how this matter should proceed in view of  
14 the Ninth Circuit's opinion vacating and remanding the matter to this court, (2) an  
15 accompanying timeline for the proposed course of action, and (3) whether Plaintiffs  
16 intend to find counsel for further proceedings. The court DIRECTS the Clerk to send this  
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1 order to Plaintiffs via U.S. Mail at their last-known address: P.O. Box. 134, Redmond,  
2 WA 98073. The parties shall file their joint status report no later than January 13, 2023.

3 Dated this 6th day of December, 2022.

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6 JAMES L. ROBART  
7 United States District Judge  
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